

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Wieth et al.

Application No.: 10/581,102

Confirmation No.: 5371

Filed: May 31, 2006

For: TRANSPORT CART WITH ANTI-THEFT
PROTECTION

Group: 3618

Examiner: Katy E. Meyer

Our File: SPT-PT007

Date: March 21, 2011

REPLY BRIEF UNDER 37 CFR 41.41 (MPEP 1208(I))

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is being filed in response to the Examiner's Answer
dated January 21, 2011.

A. Status of the Claims

Claims 1 and 4 - 6, all of the pending claims in the instant application, stand rejected and are the subject of this appeal. The pending claims on appeal were attached in the Claims Listing in Section VIII.

B. Grounds of Rejection to be Reviewed on Appeal

Claims 1, 4 and 5 stand rejected under 35 U.S.C. §103 as unpatentable over the combination of U.S. 4,772,880 to Goldstein et al. and U.S. 6,054,923 to Prather et al. Claim 6 stands rejected under 35 U.S.C. §103 as unpatentable over the combination of Goldstein et al. and Prather et al., further in view of U.S. 6,102,414 to Schweninger.

C. REPLY ARGUMENT

In construing the teachings of Goldstein et al., the Examiner's Answer states: "the Examiner has interpreted the abovementioned passage to disclose a roller which is fixable at a blocking angle that may be between 5 and 30 degrees, not a roller which may move over a range of 5 to 30 degrees once fixed." Answer at p. 5. This is not what the reference states. The referenced passage of Goldstein at col. 3, lines 10 – 15, recites:

It has been determined that positioning the arms 36 and 38 to require the wheel 22 to turn at least five degrees and not more than thirty degrees from a straight line path, and preferably between five degrees and fifteen degrees, provides the most functional disabling.

Applicants have interpreted this description as limiting the wheel 22 to a range of movement of between 5° to 30° or between 5° and 15° since the direction of the wheel is constrained by separate arms 36 and 38 on opposite sides at the front and back of the wheel which are designed to ride on the wheel if it is moving in a straight line. See col. 3, lines 1 – 4. The arms 36 and 38 are only shown as plates with an angled end. See Figs. 4 (top view) and 6 (side view). There is no indication of how this arrangement could fix each of the "at least one of the front rollers (4) and

at least one of the rear rollers (7) in predetermined steering positions corresponding to a blocking angle" as required in claim 1.

Further, for a claim limitation to be considered taught by the prior art, a reference "must describe the patented subject matter with sufficient clarity and detail to establish that the subject matter existed in the prior art and that such existence would be recognized by persons of ordinary skill in the field of the invention." Crown Operations Int'l, Ltd. v. Solutia Inc., 289 F.3d 1367, 1375 (Fed. Cir. 2002) (citations omitted). In the present case, Goldstein et al. as interpreted by the Examiner does not meet this requirement.

Conclusion

Based on the foregoing, the pending rejections should be withdrawn and the claims allowed.

Respectfully submitted,

Wieth et al.

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